

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	
)	
Total Call Mobile, Inc.)	WC Docket No. 09-197
)	
Petition for Limited Designation as)	
An Eligible Telecommunications)	
Carrier in Alabama, Connecticut, Delaware,)	
the District of Columbia, Florida,)	
New Hampshire, New York, North Carolina,)	
Tennessee, and Virginia)	
)	

**TOTAL CALL MOBILE, INC.
PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN ALABAMA, CONNECTICUT, DELAWARE,
THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW YORK,
NORTH CAROLINA, TENNESSEE, AND VIRGINIA**

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Dated: March 16, 2012

SUMMARY

Total Call Mobile, Inc. (“TCM”) seeks designation as an eligible telecommunications carrier (“ETC”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as Amended (the “Act”) and Federal Communications Commission (“FCC” or “Commission”) rules, for the limited purpose of providing wireless services supported by the Universal Service Fund’s Lifeline program. Section 214(e)(6) permits the Commission to grant ETC designation in those states where the state has affirmatively stated an ETC Petitioner is not subject to state jurisdiction. The States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia and the District of Columbia all have stated they lack jurisdiction over wireless service providers and, consequently, Commission review and approval of TCM’s Petition is warranted.

As described in greater detail herein, TCM satisfies all of the requirements for designation as an ETC and is committed to complying with all of the Commission’s rules and requirements for ETCs providing Lifeline services. Grant of ETC status will be in the public interest as TCM’s provision of Lifeline-supported services will further the Commission’s goals of the Lifeline program by increasing the service options available to low income consumers. Further TCM’s prepaid wireless services will provide an important source of high quality service with the benefits of mobile service. Low income consumers will have a stable contact method where traditional landline service is unavailable or not a viable option. Additionally, the prepaid nature of TCM’s services permit consumers to anticipate and control their communications costs. TCM’s Lifeline service offering includes a generous number of “free” minutes that are an invaluable resource for cash-strapped consumers and features such as voicemail that are critical to those seeking employment. Designation of TCM as an ETC will provide consumers with a

valuable alternative for obtaining telephone service and this competition should spur other service providers to improve their service offerings to low income consumers.

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NORTH CAROLINA, TENNESSEE, AND VIRGINIA**

Total Call Mobile, Inc. ("TCM" or the "Company"), pursuant to Section 214(e) of the Communications Act of 1934, as Amended (the "Act"), 47 U.S.C. § 214(e) and Section 54.202 of the rules of the Federal Communications Commission ("Commission" or "FCC"), 47 C.F.R. §54.202, hereby requests limited designation as an eligible telecommunications carrier ("ETC") in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia (hereinafter, "Initial ETC States"), for the sole purpose of receiving universal service Lifeline support. TCM does not request ETC status

for the purpose of receiving support from any of the other Universal Service Funds (“USF”), nor does it seek support from the Link Up program.

The Initial ETC States all have affirmatively stated they lack jurisdiction or will not assign ETC status to commercial mobile radio service (“CMRS”) providers. Accordingly, the Commission has jurisdiction, pursuant to Section 214(e)(6) to review and grant the Company’s request for designation as an ETC in the Initial ETC States. As discussed in more detail below, TCM meets the requirements for designation as an ETC and is able and prepared to offer the USF-supported services throughout the Initial ETC States. Granting TCM ETC status will benefit the public interest by making the Company’s services available to a broad range of low income consumers.

I. ABOUT TCM

TCM is a mobile virtual network operator (“MVNO”) that provides wireless mobile phone services to consumers across the United States. Sprint provides TCM with all the network infrastructure and wireless transmission facilities on which TCM operates and provides services to its customers. As a reseller of wireless services, TCM purchases wireless network services from Sprint on a wholesale basis and resells these services to its customers. TCM provides affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets and high quality customer service. The majority of TCM’s products and plans are specially geared toward serving lower income communities, and its service models and pricing plans reflect this mission. For prepaid services, TCM does not require minimum terms from its customers and it ensures competitive low pricing for its services and products. By providing affordable service, TCM can reach out to those who are often ignored by traditional carriers.

TCM manages and markets all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and live customer service. TCM's prepaid, budget-friendly pricing has given many low-income consumers the option of having basic mobile phone service without the burden of hidden costs, varying monthly charges, or contractual commitments. Customers are able to customize their mobile phone service to suit their needs with TCM's pay-as-you-go rechargeable mobile phone plans.

Based upon internal surveys, a substantial portion of TCM's customers are low-income consumers who earn under \$25,000 per year. TCM's customers depend on and benefit greatly from TCM's inexpensive and flexible pricing model. TCM does not impose credit checks nor does it require any contractual minimum terms. In addition, most of TCM's customers turn to TCM because they cannot afford the postpaid services provided by traditional carriers. TCM affirmatively reaches out to the very low-income sector of the consumer base to offer attractive and affordable communications options. As such, TCM contributes to the expansion of wireless services for low-income consumers and intends to seek ETC designation in states and territories where it already has a strong customer base so that it may continue to expand the service options for low-income consumers.

II. THE PUBLIC UTILITY COMMISSIONS IN EACH OF THE INITIAL ETC STATES HAVE AFFIRMATIVELY STATED THEY DO NOT REGULATE CMRS CARRIERS FOR PURPOSES OF GRANTING ETC DESIGNATIONS

Section 214(e)(1) of the Act assigns state public utility commissions the authority to designate ETC status to most requesting entities.¹ Section 214(e)(6) permits the FCC, rather than a state public utility commission, to designate a Petitioner as an ETC in cases involving a "common carrier providing telephone exchange service and exchange access that is not subject

¹ 47 U.S.C. § 214(e)(1).

to the jurisdiction of a State commission.”² The FCC has stated that before it will consider an ETC application, the entity seeking ETC status must demonstrate that it “is not subject to the jurisdiction of a state commission”³ and the entity must provide an “affirmative statement” from the relevant state commission that the carrier is not subject to the state commission’s jurisdiction.⁴

As demonstrated in the documents attached as Exhibit A, the public utility commission in each of the Initial ETC States has affirmatively stated that it lacks jurisdiction to designate ETC status. Because the state public utility commissions in the Initial ETC States have specifically and affirmatively denied jurisdiction over CMRS providers for purposes of granting ETC status, TCM is not subject to state commission jurisdiction in any of the states for which it hereby seeks an ETC designation. The Commission therefore has jurisdiction to grant ETC status in these states pursuant to Section 214(e)(6) of the Act. Accordingly, FCC review and approval of the instant application is warranted.

III. TCM MEETS THE COMMISSION’S REQUIREMENTS FOR ETC DESIGNATION

Section 54.202 of the Commission’s rules outlines the requirements that must be met before a carrier can be designated as an ETC by the FCC. As discussed in further detail below, TCM meets these requirements and ETC designation in the Initial ETC States is warranted.

² 47 U.S.C. § 214(e)(6).

³ *See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947 (1997).

⁴ *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscriberhip in Unserved and Underserved Areas, Including Tribal and Insular Areas*, 15 FCC Rcd 12208, ¶ 7 (2000).

a) *TCM is a common carrier.*⁵

TCM is a mobile virtual network operator (“MVNO”) that provides wireless services to consumers across the United States by reselling the services of Sprint. TCM offers its mobile services on a common carrier basis. Further, section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.⁶ Accordingly, TCM is a common carrier.

b) *TCM will Provide the Lifeline-Eligible Services by Reselling the Services of Sprint.*

Section 214(e)(1)(A) of the Act states that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”⁷ By Petition dated May 25, 2011, TCM sought forbearance from the “own facilities” requirement and by Order dated February 6, 2012, TCM’s Petition for Forbearance was granted.⁸ The Commission conditioned grant of the Petition on TCM’s compliance with certain ETC obligations including: providing 911 and E911 service regardless of activation status and prepaid minutes available, providing E911-compliant handsets and replacing non-compliant handsets, at no charge to the consumer, for Lifeline customers upon the effective date of the *Lifeline Reform Order*.⁹ In addition, TCM is required to file and have approved, a compliance plan which includes specific information about TCM’s service offerings and outlines the measures TCM will take to implement the obligations established in the *Lifeline Reform Order* as well as other

⁵ 47 CFR § 54.201(b).

⁶ 47 U.S.C. § 332(c)(1)(A).

⁷ 47 U.S.C. § 214(e)(1)(A).

⁸ *See In re: Lifeline and Link Up Reform and Modernization*, FCC 12-11, ¶¶ 368, n. 982 (Feb. 6, 2012) (“Lifeline Reform Order”).

⁹ *Lifeline Reform Order*, ¶ 373.

measures to prevent waste, fraud and abuse that the Commission may deem necessary.¹⁰ TCM commits to complying with these conditions. As a result of the grant of forbearance, TCM complies with the “own facilities” requirement of Section 214(e)(1)(A).

c) *TCM certifies it will comply with the service requirements applicable to the support the Company receives.*¹¹

TCM provides all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout the Initial ETC States.¹² TCM’s services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, TCM’s services offerings provide its customers with a certain amount of minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local exchange service free of charge to its subscribers and will abide by any Commission-required minimum usage amounts. TCM’s Lifeline offering will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit B) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM’s 30-day Unlimited Talk & Text plan or TCM’s 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement attached as Exhibit C and in Exhibit D. Lifeline customers can also purchase additional bundles of minutes and service (*i.e.* if they run out of minutes or if they want to make international calls) by purchasing TCM’s refill

¹⁰ *Lifeline Reform Order*, ¶ 368.

¹¹ 47 C.F.R. § 54.202(a)(1).

¹² In addition to voice telephony services, TCM’s services include the nine features, *i.e.*, dual tone multi-frequency signaling, single party service and access to operator services, *etc.* previously identified in Commission rule 54.101(a).

cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, TCM will comply with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

Finally, toll limitation services do not apply because TCM, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.¹³

d) *TCM has the ability to remain functional in emergency situations.*¹⁴ As discussed in more detail above, TCM utilizes the Sprint network to provide TCM's mobile services. The Company has access to the extensive and well-established Sprint network and facilities, which are capable of managing traffic spikes that occur during emergency situations and can reroute traffic in the event of damaged facilities. TCM also has reason to believe that Sprint has sufficient back-up power to ensure functionality if its external power supply is unavailable.

e) *TCM will satisfy applicable consumer protection and service quality standards.*¹⁵

¹³ See *Lifeline Reform Order*, ¶ 230.

¹⁴ 47 C.F.R. § 54.202(a)(2).

¹⁵ 47 C.F.R. § 54.202(a)(3)

Section 54.202(a)(3) of the Commission's rules states that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this consumer protection and service quality requirement. TCM intends to fully comply with applicable consumer protection requirements and commits to comply with the CTIA Consumer Code. Similar to Virgin Mobile's pledge in its recently-granted New Hampshire ETC application,¹⁶ TCM agrees to comply with the CTIA Consumer Code to ensure the Company offers its subscribers the highest level of protection and quality service. TCM's pledge to provide quality service and voluntarily to comply with this code evidences its commitment to satisfying all of the applicable consumer protection and service quality standards.

f) *TCM is financially and technically capable of providing Lifeline services in compliance with the Commission's rules.*

Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.204(a)(4), will require ETC Petitioners to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements.¹⁷ Among the factors the Commission will consider are: a Petitioner's prior offering of service to non-Lifeline subscribers, the length of time the Petitioner has been in business, whether the Petitioner relies exclusively on Lifeline reimbursement to operate; whether the Petitioner receives revenues from other sources and whether the Petitioner has been the subject of an enforcement action or ETC revocation proceeding. Although this rule change is not yet effective, TCM is committed to fully complying once the rule takes effect. As

¹⁶ See In re: Federal-State Joint Board on Universal Service Virgin Mobile USA, L.P. Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of New Hampshire, WC Dkt. No. 09-197, at 16-17 (filed Feb. 17, 2010).

¹⁷ *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)). This rule will take effect after Office of Management and Budget review.

discussed in Section II *supra*, TCM provides telecommunications services nationwide and is the wholly-owned subsidiary of a national prepaid telecommunications services provider. TCM's parent has been providing telecommunications services to customers for over 10 years. During this time, TCM and its parent have provided prepaid wireless services to non-Lifeline customers and, consequently, TCM has not and will not be relying exclusively on Lifeline reimbursement for the Company's operating revenues. TCM receives revenues from these prepaid wireless services and also has the financial support of its parent company, KDDI America (which is a wholly owned subsidiary of KDDI of Japan, the second largest telecommunications company in Japan). TCM has not been the subject of any enforcement actions by the FCC nor has it been subject to any ETC revocation proceedings.

(g) Terms and conditions of TCM's voice telephony service plans for Lifeline subscribers.

As noted in Section III(c) *supra*, TCM offers Lifeline subscribers a variety of voice telephony service plans. TCM's Lifeline subscribers are also eligible to select certain plans (i.e. 30-day Unlimited Talk & Text or 30-day Unlimited Talk, Text, & Data) that TCM generally makes available to the public, but at a discount from retail.

h) TCM will comply with the other regulations applicable to ETCs including: (a) providing service throughout its proposed service area; (b) offering a variety of local usage plans; (c) verifying and certifying a consumer's eligibility to participate in the Lifeline program; (d) submitting annual certifications and reports; and (e) recognizing equal access requirements.

TCM is committed to operating as an ETC in accordance with all of the regulations applicable to ETCs. As described in section I, *supra*, the Company is seeking ETC designation throughout the Initial ETC States and intends to provide service to all customers in

TCM's service areas. TCM's Lifeline service offerings include plans with different numbers of minutes of use and features and customers also have the option of purchasing additional minutes of use. As a result, customers are able to craft and purchase service packages that best meet their needs and budgets. Additional information about the Company's service offerings are attached hereto as Exhibits B, C, and D.

TCM is aware of the Commission's current requirements regarding certification and verification of a customer's qualification for Lifeline service and has implemented procedures to ensure the requirements are met. As detailed in TCM's Compliance Plan, attached hereto as Exhibit E, TCM has comprehensive procedures in place to obtain customer certifications, to verify customer eligibility, to provide de-enrollment upon 60-days' non-usage, and to protect against duplication of service. TCM will also have direct dealings with its customers and will require, upon service activation and every year thereafter, the customers to self-certify that the customer: (i) is the head of their household and receives Lifeline-supported services only from TCM. TCM also will comply with the Commission's notification and de-enrollment obligations regarding customers that no longer qualify for Lifeline services.¹⁸

The Company is aware that the Commission has recently revised its rules regarding customer certification and verification requirements. TCM will comply with those additional requirements, when those rules become effective, TCM will comply with the annual certification and reporting requirements and voluntarily commits to abide by the requirements the Commission applied to a recent ETC grant for Virgin Mobile regarding measures to prevent waste, fraud and abuse of Lifeline services.¹⁹

¹⁸ 47 C.F.R. § 54.405(e).

¹⁹ 47 C.F.R. §§ 54.416, 54.422. *See also In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an*

TCM understands that ETCs must provide equal access to long distance carriers if all other ETCs in the same service area choose to relinquish their ETC status.²⁰ The Company commits to offer equal access to long distance carriers to the extent required by law (if applicable).

*(i) TCM advertises the availability of its service and charges in a manner reasonably designed to reach Lifeline-eligible consumers and will comply with the Commission's revised rules regarding information to be included in advertisements.*²¹

TCM intends to advertise its Lifeline services using media such as newspapers of general circulation, radios and television, as a means of reaching those consumers that are likely to qualify for Lifeline services. In addition to using these advertising media to advertise the availability of its services to Lifeline customers, the Company intends to expand its advertising efforts using targeted advertising and marketing in order to reach Lifeline-eligible customers most effectively.²² TCM will ensure that all of its Lifeline advertising materials (e.g. brochures, websites, etc.) comply with the Commission's revised rule section 54.405(c) once that rule takes effect. Specifically, TCM's advertising materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household and (vi) TCM is the provider of the services.

Eligible Telecommunications Carrier in the State of Alabama, et al., 25 FCC Rcd 17797, ¶ 24 (2010) ("2010 Virgin Mobile ETC Order").

²⁰ See, e.g., *2010 Virgin Mobile ETC Order*, ¶ 5.

²¹ 47 C.F.R. § 54.405(b).

²² See 47 C.F.R. § 54.405(b).

IV. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING ETC STATUS TO TCM

The Commission's rules require that, before granting a request for ETC designation, the Commission must find that grant of the designation would be in the public interest.²³ In determining if the public interest showing has been met, the Commission considers the "benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering."²⁴ In addition, the principal goal of the Lifeline program is to make affordable telecommunications services available to low-income consumers.²⁵

Similar to the Commission's findings justifying grant of ETC designation to other petitioners, designation of TCM as an ETC for Lifeline purposes will further the Commission's goals for the Lifeline program. Specifically, the Company will offer prepaid wireless services to low-income consumers thereby increasing consumer choice and expanding the number of affordable telecommunications services available to low-income consumers.²⁶ Further, grant of the application will provide consumers with access to high quality service and the benefits of a mobile service.²⁷ The mobility of the service will be particularly attractive to Lifeline-eligible consumers who may frequently change residences or work in migratory jobs. Wireless service therefore offers a stable contact method where traditional landline service would be unavailable or not a viable option. TCM's prepaid wireless service (which includes Lifeline) is an especially attractive option for low-income consumers because it alleviates customer concerns regarding

²³ 47 C.F.R. § 54.202(b).

²⁴ See, e.g., *2010 Virgin Mobile ETC Order*, ¶ 6.

²⁵ See, e.g., *Lifeline and Link-Up*, 19 FCC Rcd 8302 (2004).

²⁶ See, e.g., *Virgin Mobile USA, L.P. Petition for Forbearance from 47 USC §214(e)(1)(A)*, Order, FCC 09-18, ¶ 38 (rel. March 5, 2009) ("2009 Virgin Mobile Forbearance/ETC Order").

²⁷ *2009 Virgin Mobile Forbearance/ETC Order*, ¶ 38. As discussed above, TCM will comply with the Consumer Code for Wireless Service of CTIA – The Wireless Association.

hidden costs, varying monthly charges and long term contract issues. In the current declining economy, many consumers are faced with making difficult choices about how to allocate and spend their limited resources. The ability to meet their communications needs while at the same time anticipating and controlling the associated costs is critical. TCM's prepaid service offerings and rechargeable mobile phone plans enable customers to tailor their wireless services to their needs and budgets and the prepaid nature of the service also provides an alternative for "unbanked" consumers. In addition, if a Lifeline customer consumes all of their minutes, they can reload with any TCM prepaid refill. Further, TCM does not impose credit checks for Lifeline and prepaid services thereby providing an alternative for those low income consumers unable to obtain credit for post-paid services provided by traditional carriers.

TCM's prepaid mobile calling service packages provide low income consumers with a generous number of included, anytime minutes at no cost to the consumers as well as free voicemail, and calls to 911 services. These free minutes and services are an invaluable resource for cash-strapped consumers who may be seeking employment and need a means to contact potential employers. The packages are also useful for those consumers that need the ability to stay in touch with children or other family members while also providing the ability to contact 911 emergency services when needed. TCM's services will provide consumers with a valuable alternative for obtaining telephone service and this competition in turn could spur other service providers to improve their service options.

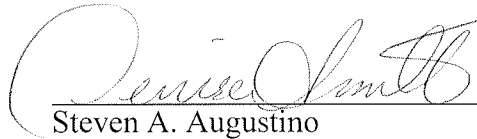
V. ANTI-DRUG ABUSE CERTIFICATION

TCM certifies that no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. A copy of a certification signed by TCM's COO is attached as Exhibit F.

VI. CONCLUSION

For the foregoing reasons, TCM asserts that grant of the instant Petition for Limited Designation as an Eligible Telecommunications Carrier is in the public interest and is warranted in accordance with 47 U.S.C. § 214(e)(6) of the Act.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Denise Smith", is written over a horizontal line.

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Counsel to Total Call Mobile, Inc.

March 16, 2012

EXHIBIT A

Documentation Regarding State ETC Jurisdiction



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 991
MONTGOMERY, ALABAMA 36101-0991

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
GEORGE C. WALLACE, JR., ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,

Joint Petitioners

PETITION: For ETC status and/or
clarification regarding the jurisdiction
of the Commission to grant ETC status
to wireless carriers.

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

DOCKET U-4400 - #2

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(e) effectuated in June of 1999, the APSC has no authority to regulate, in any respect, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

DOCKET U-4400 - #3

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

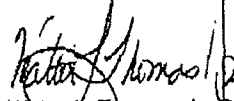
ALABAMA PUBLIC SERVICE COMMISSION


Jim Sullivan, President


Jan Cook, Commissioner


George C. Wallace, Jr., Commissioner

ATTEST: A True Copy


Walter L. Thomas, Jr., Secretary



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

August 7, 2009

In reply, please refer to:

Docket No. 09-07-24:UR:PAP

L. Charles Keller, Esquire
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037

Re: Docket No. 09-07-24 - Conexions LLC Seeks Designation as a Competitive Eligible Telecommunications Carrier

Dear Mr. Keller:

The Department of Public Utility Control (Department) acknowledges receipt of your July 10, 2009 letter filed on behalf of Conexions LLC (Conexions) seeking clarification as to whether the Department asserts jurisdiction to designate competitive eligible telecommunications carriers (CETC) in Connecticut. According to your letter, Conexions seeks designation as a CETC in Connecticut and believes that the Department does not assert jurisdiction to designate CETCs in the state and that carriers must apply to the FCC for certification.

The Department has reviewed your request and notes that it has approved requests for CETC status from wireline-based carriers. However, in the instant case, Conexions is a mobile virtual network operator. The Department does not regulate or license mobile carrier services' rates and charges and therefore, it is not subject to the Department's jurisdiction for the purposes of designating CETC status.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Kimberley J. Santopietro
Executive Secretary



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION

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July 15, 2009

L. Charles Keller, Jr.
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Ste. 700
Washington, DC 20037

RE: *Conexions LLC*

Dear Mr. Keller:

You have requested a statement confirming that the Delaware Public Service Commission ("PSC") lacks the jurisdiction to designate your client, Conexions, LLC ("Conexions"), as an Eligible Telecommunications Carrier ("ETC") under 47 U.S.C. § 214(e). You have represented that Conexions is a new mobile virtual network operator who seeks to participate in the FCC's Lifeline support program for qualifying low-income consumers.

Under state law, the Delaware PSC does not currently exercise any form of supervisory jurisdiction over wireless commercial mobile radio service ("CMRS") providers. *See* 26 *Del. C.* § 102(2) (excluding "telephone service provided by cellular technology, or by domestic public land mobile radio service" from the definition of "public utility"); 26 *Del. C.* § 202(c) (providing that the Delaware Commission has "no jurisdiction over the operation of domestic public land mobile radio service provided by cellular technology service or over rates to be charged for such service or over property, property rights, equipment of facilities employed in such service"). In fact, in granting ETC status in Delaware for Cellco Partnership d/b/a Bell Atlantic Mobile, the FCC accepted the Delaware PSC's confirmation at that time that it did not have jurisdiction under state law to designate CMRS providers as ETCs. *See Federal-State Joint Board on Universal Service; Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier; Memorandum Opinion and Order*, 16 FCC Rcd. 39 (2000), at ¶¶ 3-4. There have been no changes to state law regarding the PSC's authority over CMRS providers since the *Cellco* decision.

L. Charles Keller, Jr.
July 15, 2009
Page 2

I hope this addresses your request for confirmation that the Delaware Public Service Commission does not have jurisdiction under state law to designate CMRS providers, such as Conexions LLC, as an ETC.

Sincerely,

A handwritten signature in cursive script, reading "Bruce H. Burcat". The signature is written in dark ink and is positioned above the printed name and title.

Bruce H. Burcat
Executive Director



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpSC.org

July 22, 2009

Via First Class and Certified Mail

Mr. L. Charles Keller
Counsel for Conexions, LLC.
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037

Dear Mr. Keller:

Thank you for your July 10, 2009 letter stating Conexions, LLC's ("Conexions") intent to be designated as an eligible telecommunications carrier in the District of Columbia. As you are aware, the Public Service Commission of the District of Columbia ("Commission") does not have jurisdiction over wireless carriers operating in the District of Columbia, pursuant to section 34-2006(b) of the District of Columbia Code. Thus, the Commission has no authority to designate Conexions as an eligible telecommunications carrier in the District of Columbia.

Attached please find a copy of the relevant section of the District of Columbia Code for your information. Should you need anything further, please contact me at 202-626-5140 or rbeverly@psc.dc.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard A. Beverly", is written over the typed name.

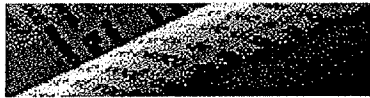
Richard A. Beverly
General Counsel

Enclosure



D.C. Council Home

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Welcome to the online source for the District of Columbia Official Code

DC ST § 34-2006
Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness
Division V. Local Business Affairs

Title 34. Public Utilities. (Refs & Annos)

Subtitle V. Telecommunications.

Chapter 20. Telecommunications Competition. (Refs & Annos)

➔§ 34-2006. Exemptions.

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

(c) This chapter shall not:

- (1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;
- (2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;
- (3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or
- (4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Effect of Amendments

D.C. Law 17-165 added subsec. (c).

Legislative History of Laws

For legislative history of D.C. Law 11-154, see Historical and Statutory Notes following § 34-2001.

For Law 17-165, see notes following § 34-403.

References in Text

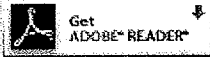
The federal Telecommunications Act of 1996, referred to in (b), is Pub. L. 104- 104, which is codified throughout Title 47 of the United States Code.

DC CODE § 34-2006

Current through June 17, 2009

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STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

October 24, 2011

Ms. Kasey C. Chow
Lance J.M. Steinhart, P.C.
Attorney At Law
1725 Windward Concourse
Suite 150
Alpharetta, GA 30005

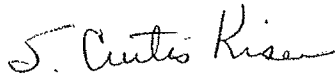
Re: Undocketed – Q Link Wireless LLC's ETC Designation

Dear Ms. Chow:

We received your October 18, 2011 letter advising that Q Link Wireless LLC, a commercial mobile radio service provider, wish to seek designation as an ETC in Florida. You also requested an affirmative statement that the Florida Public Service Commission no longer assert jurisdiction to designate commercial mobile radio service providers as eligible telecommunication carriers in Florida.

This letter acknowledges that the revisions to Chapter 364, Florida Statutes, changed the Commission's jurisdiction regarding telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, for the proposition that the Federal Communications Commission, rather than this Commission is the appropriate agency to consider Q Link Wireless LLC's bid for ETC status.

Sincerely,


S. Curtis Kiser
General Counsel

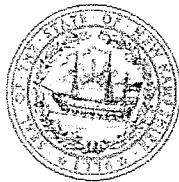
cc: Beth W. Salak, Director, Division of Regulatory Analysis
Robert J. Casey, Public Utilities Supervisor, Division of Regulatory Analysis
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel
Ann Cole, Commission Clerk, Office of Commission Clerk

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EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

September 22, 2009

L. Charles Keller
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037

Re: Conexions, LLC

Dear Mr. Keller:

This is in response to your letter to the Commission, received July 10, 2009, concerning the above-referenced telecommunications carrier. You requested a statement from the Commission that Conexions, LLC (Conexions) is not subject to the jurisdiction of the Commission, inasmuch as this will affect how Conexions proceeds with efforts to become designated as an Eligible Telecommunications Carrier (ETC) for purposes of receiving universal service support pursuant to the federal Telecommunications Act.

Your attention is directed to a published order of the Commission, *RCC Minnesota, Inc.*, 88 NH PUC 611 (2003) (Order No. 24,245). In that order, the Commission acknowledged that it lacks state-law authority to regulate wireless carriers, *id.* at 615, citing Section 362:6 of the New Hampshire Revised Statutes Annotated, and therefore the Commission concluded that the agency is likewise devoid of jurisdiction to consider a request for ETC designation from the carrier. In my judgment, Conexions as a user of both cellular and PCS (personal communications service) spectrum to provide commercial mobile radio service, may rely on the *RCC Minnesota* decision for the proposition that the Federal Communications Commission, as opposed to the New Hampshire Public Utilities Commission, is the appropriate agency to consider Conexions's bid for ETC status.

Please feel free to call me at 603-271-6005 if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross
General Counsel

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

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PETER McGOWAN

General Counsel

JACLYN A. BRILLING

Secretary

September 1, 2009

L. Charles Keller
Wilkson Barker Knauer, LLP
2300 N Street, NW Suite 700
Washington, DC 20037

RE: Matter 09-01517/Case 09-C-0600 - Conexions LLC Request for Letter Clarifying
Jurisdiction over Wireless CETC

Dear Mr. Keller:

I am responding to your letter to Secretary Brilling, dated July 10, 2009 on behalf of Conexions LLC (Conexions). In your letter, you requested a statement that the State of New York does not exercise jurisdiction over Commercial Mobile Radio Service (CMRS) providers for purposes of making determinations concerning eligibility for Eligible Telecommunications Carrier designation under 47 U.S.C. §214(e) and 47 C.F.R. §54.201 et seq. You indicated that Conexions is a mobile virtual network operator ("MVNO") seeking designation as a competitive eligible telecommunications carrier ("CETC") in New York.

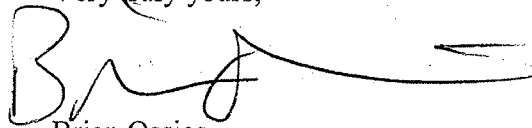
In response to your request, please be advised that the New York State Public Service Law §5 provides that:

Applications of the provisions of this chapter [the Public Service Law] through one-way paging or two-way mobile radio telephone service with the exception of such services provided by means of cellular radio communication is suspended unless the [New York State Public Service] commission...makes a determination, after notice and hearing, that regulation of such services should be reinstituted to the extent found necessary to protect the public interest because of a lack of effective competition.

The New York State Public Service Commission has not made a determination that regulation should be reinstituted under Public Service Law §5. Consequently, based on the representation by Conexions that it is a mobile virtual network operator ("MVNO") provider, Conexions would not be subject to the application of the Public Service Law and therefore, the jurisdiction of the New York Public Service Commission for purposes of making the Eligible Telecommunications Carrier designation.

As this letter is responsive to your request for a statement, Matter 09-01517/Case 09-C-0600 will be closed.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Brian Ossias', with a long horizontal flourish extending to the right.

Brian Ossias
Assistant Counsel

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

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PETER McGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

August 13, 2009

L. Charles Keller
Wilkinson Barker Knauer LLP
2300 N Street, NW
Suite 700
Washington, DC 20037

Re: Case 09-C-0600 – Petition of Conexions LLC for a Declaratory Ruling
that the Company, a wireless telephone service provider, is not subject
to Commission jurisdiction

Dear Mr. Keller:

I am responding to your letter to Secretary Brilling, dated July 10, 2009, on behalf of Conexions LLC ("Conexions"). In your letter, you requested a statement that the State of New York does not exercise jurisdiction over wireless telephone service providers for purposes of making determinations concerning eligibility for Competitive Eligible Telecommunications Carrier designations under 47 USC §214(e) and 47 CFR §54.201 et seq. You indicated that Conexions is a mobile virtual network operator in several states, including New York.

In response to your request, please be advised that the New York State Public Service Law §5(3) provides that:

Application of the provisions of this chapter [the Public Service Law] to one-way paging or two-way mobile radio telephone service with the exception of such services provided by means of cellular radio communication is suspended unless the [New York Public Service] commission, . . . makes a determination, after notice and hearing, that regulation of such services should be reinstituted to the extent found necessary to protect the public interest because of a lack of effective competition.

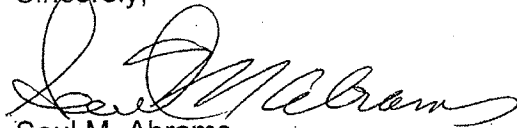
In addition, the New York State Public Service Law §5(6)(a) provides that:

Application of the provisions of this chapter [the Public Service Law] to cellular telephone services is suspended unless the [New York Public Service] commission, . . . makes a determination, after notice and hearing, that suspension of the application of the provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination that regulation should be reinstituted under Public Service Law §5. Consequently, based on the representation by Conexions that it is a wireless telephone service provider, Conexions would not be subject to the application of the Public Service Law and therefore, the jurisdiction of the New York Public Service Commission for the purposes of making the Competitive Eligible Telecommunication Carrier designation.

As this letter is responsive to your request for a statement, Case 09-C-0600 will be closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Saul M. Abrams", written in black ink.

Saul M. Abrams
Assistant Counsel

cc: Jaclyn A. Brillling, Secretary
Maureen Harris, Commissioner

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility." See, G.S. 62-3(23)). Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23)j, enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

pt062503.01

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

)
)
)
)
)

DOCKET NO.
02-01245

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("Application") filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority's decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴

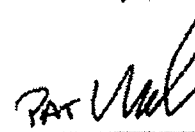
The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

³ *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 96-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION DOCUMENT CONTROL
AT RICHMOND, APRIL 9, 2004

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

2004 APR -9 A 11:46
CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.¹ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

¹ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").²

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.³

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.⁴ The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."⁵

² CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*.

³ See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.vtstate.va.us/scc/caseinfo.htm>.

⁴ The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

⁵ The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to *comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW.* We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.⁶ However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

⁶ See paragraphs 43, and 44 of the FCC's January 22, 2004, Order.

EXHIBIT B

Free International Calling Destinations on the Lifeline 150 Minute Plan (Certain special or off-network locations may be excluded from the Free International Calling Destinations; (calls to landline phones only unless explicitly indicated otherwise)

List includes over 250 locations worldwide and 30 countries. Locations are subject to change from time to time. Please visit totalcallmobile.com for an updated list.

Featured Countries

Argentina	Greece	Norway
Argentina-Buenos Aires	Greece-Athens	Peru
Argentina-Cordoba	Hong Kong	Peru-Lima
Argentina-Mendoza	Hong Kong-Cellular	Poland
Argentina-Rosario	Hungary	Poland-Warsaw
Australia	Hungary-Budapest	Portugal
Australia-Melbourne	India	Singapore
Austria	India-Ahmedabad	Singapore-Cellular
Brazil	India-Bangalore	South Korea
Brazil-Belo Horizonte	India-Bombay	South Korea-Seoul
Brazil-Campinas	India-Calcutta	Spain
Brazil-Rio de Janeiro	India-Cellular	Sweden
Brazil-Sao Paolo	India-Hyderabad	Switzerland
Canada	India-Madras	Taiwan
China	India-New Delhi	Taiwan-Taipei
China-Beijing	India-Pune	Thailand
China-Cellular	India-Punjab	Thailand-Bangkok
China-Guangzhou	Ireland	Thailand-Cellular
China-Shanghai	Israel	United Kingdom
Cyprus	Italy	US Guam
Denmark	Mexico (city list which follows)	US Puerto Rico
France	Netherlands	US Saipan
France-Paris	Netherlands-Amsterdam	US Virgin Islands
Germany	New Zealand	

Free International Calling Destinations on the Lifeline 150 Minute Plan (continued)

Mexico City List

Guadalajara	Ciudad Constitucion	Heroica Ciudad de Ures
Ciudad de Mexico	Ciudad Cuauhtemoc	Hidalgo
Monterrey	Ciudad del Carmen	Huatabampo
Acaponeta	Ciudad Delicias	Huetamo
Acapulco	Ciudad Guzman	Huimanguillo
Actopan	Ciudad Hidalgo	Huitzuco
Agua Prieta	Ciudad Juarez	Iguala
Aguascalientes	Ciudad Lazaro Cardenas	Irapuato
Allende	Ciudad Mante	Ixtapan de la Sal
Apatzingan	Ciudad Obregon	Ixtlan del Rio
Apizaco	Ciudad Sahagun	Izucar de Matamoros
Arcelia	Ciudad Valles	Jalapa
Atacomulco	Ciudad Victoria	Jalpa
Atliaca/Tixtla	Coatzacoalcos	Jerez de Garcia Salinas
Atlixco	Colima	Jojutla
Autlan	Cordoba	Juchitan
Bahia de Huatulco	Cosamaloapan	La Barca
Cabo San Lucas	Cozumel	La Paz
Caborca	Cuautla	La Piedad
Cadereyta Jimenez	Cuernavaca	Lago de Moreno
Campeche	Culiacan	Leon
Cananea	Durnago	Lerdo de Tejada
Cancun	Encarnacion de Diaz	Lerma
Celaya	Ensenda	Linares
Cerralvo	Estación Manuel	Los Mochis
Cheumal	Fresnillo	Los Reyes
Chihuahua	General Tapia	Magdalena
Chilapa	Guamuchil	Manuel
Chilpancingo	Guanajuato	Manuel Ojinaga
Cintalapa de Figueroa	Guasave	Manzanillo
Ciudad Acuna	Guaymas	Martinez de la Torre
Ciudad Altamirano	Guerrero Negro/Santa Rosa	Matamoros
Ciudad Camargo B	Hermosillo	Matehuala

Free International Calling Destinations on the Lifeline 150 Minute Plan (continued)

Mexico City List

Guadalajara	Ciudad Constitucion	Heroica Ciudad de Ures
Ciudad de Mexico	Ciudad Cuauhtemoc	Hidalgo
Monterrey	Ciudad del Carmen	Huatabampo
Acaponeta	Ciudad Delicias	Huetamo
Acapulco	Ciudad Guzman	Huimanguillo
Actopan	Ciudad Hidalgo	Huitzuco
Agua Prieta	Ciudad Juarez	Iguala
Aguascalientes	Ciudad Lazaro Cardenas	Irapuato
Allende	Ciudad Mante	Ixtapan de la Sal
Apatzingan	Ciudad Obregon	Ixtlan del Rio
Apizaco	Ciudad Sahagun	Izucar de Matamoros
Arcelia	Ciudad Valles	Jalapa
Atlacomulco	Ciudad Victoria	Jalpa
Atliaca/Tixtla	Coatzacoalcos	Jerez de Garcia Salinas
Atlixco	Colima	Jojutla
Autlan	Cordoba	Juchitan
Bahia de Huatulco	Cosamaloapan	La Barca
Cabo San Lucas	Cozumel	La Paz
Caborca	Cuautla	La Piedad
Cadereyta Jimenez	Cuernavaca	Lago de Moreno
Campeche	Culiacan	Leon
Cananea	Durnago	Lerdo de Tejada
Cancun	Encarnacion de Diaz	Lerma
Celaya	Ensenda	Linares
Cerralvo	Estación Manuel	Los Mochis
Cheumal	Fresnillo	Los Reyes
Chihuahua	General Tapia	Magdalena
Chilapa	Guamuchil	Manuel
Chilpancingo	Guanajuato	Manuel Ojinaga
Cintalapa de Figueroa	Guasave	Manzanillo
Ciudad Acuna	Guaymas	Martinez de la Torre
Ciudad Altamirano	Guerrero Negro/Santa Rosa	Matamoros
Ciudad Camargo B	Hermosillo	Matehuala

EXHIBIT C

Sample Lifeline Brochure



Free Mobile Phone and Free Service



Through the government-supported
Lifeline program, you may qualify
for a free mobile phone and
free service. See inside for details.
This is a state of Maryland brochure.

Lifeline Plans

For more information or to sign up, call 1-800-661-7391.

If you qualify for the Lifeline program in the state of Maryland, you can choose from the Lifeline Plans below. All of Total Call Mobile's Lifeline Plans have the following features:

- A free phone (selected by Total Call Mobile). Call customer service for upgrade options.
- Free customer service calls.
- Free voicemail and caller id.
- Free 911 and balance inquiry calls.
- For additional minutes, text messages, or international calls, load an "Anytime Plan" refill as described on the back of this brochure or call customer service.

Plan 1: 150 minutes per month (for domestic & select international calls)

- 150 minutes per month (for domestic & select international calls) at no cost to you.
- Plan minutes expire after 30 days.
- Additional minutes are \$0.10 per minute.
- Text messages are \$0.05 per text.
- For details on select international calls that have no extra charges, see the back of this brochure.

Plan 2: 250 minutes per month (for domestic calls)

- 250 minutes per month (for domestic calls) at no cost to you.
- Plan minutes expire after 30 days.
- Additional minutes are \$0.10 per minute.
- Text messages are \$0.05 per text.
- No international calls are included in this plan.

Plan 3: Discounted Plans (discount varies by state)

- You can purchase the Unlimited Talk & Text plan for \$26.49 (regularly \$39.99 for 30 days) or the Unlimited Talk, Text & Data plan for \$36.49 (regularly \$49.99 for 30 days). For plan details, see the back of this brochure. Please call customer service for additional information or to select this option.
- No international calls are included in these plans.

Lifeline Eligibility

Eligibility criteria varies by state. For the state of Maryland, you are eligible for Lifeline if you participate in one of these programs:

Electric Universal Service Program	National School Lunch Program (free program only)
Federal Public Housing / Section 8	Public Assistance to Adults
Food Supplement Program / Food Stamps	Supplemental Security Income
Low Income Home Energy Assistance Program	Temporary Assistance for Needy Families Program
Maryland Energy Assistance Program	Temporary Cash Assistance
Medicaid / Medical Assistance	Temporary Disability Assistance Program

You also qualify for Lifeline in the state of Maryland, if your income is less than 135% of the Federal Poverty Guidelines.

Number in Household	Household Annual Income
1	\$14,702
2	\$19,859
3	\$25,016
4	\$30,173

For details or to determine if you qualify, call us at 1-800-661-7391. Only one person per household may sign up for Lifeline. If your Lifeline Plan is not used for sixty (60) days, it will be terminated.

Lifeline Terms & Conditions

Comprehensive terms and conditions for the Total Call Mobile ("TCM") Lifeline Plans are available at www.totalcallmobile.com. All terms and conditions of service as described herein and on the reverse of this brochure apply to services provided under the Lifeline Plans. Customers understand and agree that by signing up for a Lifeline Plan with Total Call Mobile, they may not have a Lifeline plan with any other carrier (wireless or landline) and further agree to comply with any documentation or verification necessary to confirm that they qualify for Lifeline. In addition, Customer acknowledges that Lifeline Plan enrollment may be terminated at anytime by TCM in the event that the federal or state Lifeline Programs are changed or terminated, if Customer no longer qualifies for Lifeline, if TCM discontinues its Lifeline Plans, or if Customer breaches the terms and conditions. TCM, at its sole discretion, will determine whether or not a Customer is eligible for a Lifeline Plan. To remain qualified for a Lifeline Plan, Customer must successfully complete an annual verification. If Customer fails to complete annual verification within sixty (60) days of the required verification date, Customer will be de-enrolled from the Lifeline Plan. Customer agrees not to give away, resell, or offer to resell the TCM Lifeline phone or service. TCM Lifeline Plans are supported by the government assistance "Lifeline" program. Proof of eligibility is required, such as eligible program card or statement of benefits. If you willfully make false statements in order to obtain a TCM Lifeline Plan, you can be punished by fine or imprisonment or can be barred from the program.

International Texting & Calling

Call worldwide with Total Call Mobile by dialing 011 and the destination. On the Anytime Plan and Lifeline Plan 1, there is no extra charge to call certain cities in the countries listed below. Call 1-800-661-7391 for international rates on other plans or to other destinations. To make international calls, you must have Anytime Plan balance. Also, standard text message rates apply to messages sent worldwide.

Argentina	Hungary	Singapore
Australia	India	South Korea
Austria	Ireland	Spain
Brazil	Israel	Sweden
Canada	Italy	Switzerland
China	Mexico	Taiwan
Cyprus	Netherlands	Thailand
Denmark	New Zealand	United Kingdom
France	Norway	US Guam
Germany	Peru	US Puerto Rico
Greece	Poland	US Saipan
Hong Kong	Portugal	US Virgin Island

Non-Lifeline Plans

Anytime Plan



- 10¢ per minute
- 5¢ per text
- Available at \$5, \$10 or \$20
- Good for 90 Days

1000 Talk & 1000 Text



- 1000 minutes
- 1000 text messages
- Good for 30 days

Unlimited Talk & Text



- Unlimited talk & text
- Good for 30 days

Unlimited Talk, Text & Data



- Unlimited talk, text & data
- \$12.99 for 7 days
- \$24.99 for 15 days
- \$49.99 for 30 days

All plans include voicemail, caller ID, and domestic long distance. For more information, call 1-800-661-7391 or visit www.totalcallmobile.com.

Refill Options

1. Buy refills from the store where you purchased your handset.
2. Call 1-800-661-7391 to refill by credit card or debit card.
3. Visit a Western Union "prepaid service" location and enter "totalcall" in Box 1 of the prepaid services form. Enter \$10 or \$20 (Anytime), \$29.99 (1000 Talk & 1000 Text), or \$24.99 or \$49.99 (Unlimited Talk, Text & Data). For locations, call 1-800-325-6000.
4. Visit your local e-pin store (wireless store or market).



Service Terms & Conditions

Comprehensive terms and conditions are available at www.totalcallmobile.com. Total Call Mobile ("TCM") service is for personal use within the United States. "Unlimited" does not mean unreasonable use. Unreasonable use includes but is not limited to conference calling, monitoring services, abnormally large data transmissions, broadcast, telemarketing, autodialed calls, commercial uses, an abnormally high number of calls/messages or abnormally long calls, tethering to another device for data transmission, or any other usage that interferes with TCM service/network resources. Data is only available with select handsets. TCM data plans may not be used with smart phones/PDA devices unless the plan is explicitly identified for such devices. International calls are charged at the applicable rate plus air time. Advertised international rates and "Free International Locations" do not apply to calls made to foreign mobile phones or to off network/special locations and in some instances may be higher. The "Free International Locations" promotion only applies when using the Anytime Plan (i.e. 10¢ per minute) or Lifeline Plan 1 (i.e. 150 minutes). Otherwise these locations cost 2¢ per minute plus airtime. TCM reserves the right to limit picture message size at any time. Governmental taxes and fees will be charged where applicable. Plans, rates and fees are subject to change without notice. For more information, current rates, and a complete list of the "Free International Locations", please call 1-800-661-7391 or visit our website. The rates herein are valid as of January 31, 2012. TCM marks contained herein are trademarks of Total Call Mobile, Inc., and/or its affiliated companies. All copy in this brochure is copyright protected under applicable law. TCM reserves all rights with regard to TCM intellectual property.

EXHIBIT D

Service Offering

TCM's Lifeline offering proposes to give eligible customers three Lifeline Plan choices:

Option 1: Lifeline 150 Minute Plan*

150 anytime minutes per month

(additional usage priced at 10 cent minutes, texts are 5 cents per text message)

Net cost to Lifeline customer: **\$0 (free)**

*This package includes:

- Free handset
- Free Voicemail and Caller-ID
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free balance inquiries
- No additional charge for international calling to the 250 locations listed on Exhibit E (i.e. only the standard per minute rate applies)
- International calls to other destinations require additional funds based on call destination

Option 2: Lifeline 250 Minute Plan*

250 anytime minutes per month

(additional usage priced at 10 cent minutes, texts are 5 cents per text message)

Net cost to Lifeline customer: **\$0 (free)**

*This package includes:

- Free handset
- Free Voicemail and Caller-ID
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free balance inquiries
- International calls require additional funds based on call destination.

Option 3: Lifeline Credit - Discount Plan*

Lifeline eligible customers may choose the 30-day Unlimited Talk & Text plan or the 30-day Unlimited Talk, Text & Data at a discount off of retail. Said discount will differ based on the customer's state (ranging from \$10 - \$20). Additional details regarding TCM's plans can be found at www.totalcallmobile.com/rateplans_monthly.aspx.

*This package includes:

- Free handset
- Free Voicemail and Caller-ID
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free balance inquiries

EXHIBIT E

Compliance Plan

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carrier Eligibility to Receive)	
Universal Service Support)	WC Docket No. 09-197
)	WC Docket No. 11-42
Lifeline and LinkUp Reform and Modernization)	
)	
Total Call Mobile, Inc. (Compliance Plan))	
)	

TOTAL CALL MOBILE, INC'S COMPLIANCE PLAN

On May 25, 2011, Total Call Mobile, Inc. ("TCM" or "Company")¹ filed a Petition for Forbearance ("Petition") requesting the Commission forbear from enforcement of section 214(e)(1)(A) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(1)(A), which requires eligible telecommunications carriers ("ETCs") to use their own facilities to provide services supported by the Universal Service Fund ("USF").

On February 6, 2012, the Federal Communications Commission ("FCC" or "Commission") granted TCM's Petition for Forbearance, conditioned on fulfillment of the obligations detailed in the *Lifeline Reform Order*,² which also required each carrier to submit to

¹ The Company hereby also reports its corporate and trade names, along with its holding company, operating companies and affiliates as follows: Total Call International is the parent of Total Call Mobile; KDDI of America is the majority owner of Total Call International; Locus Telecommunications and KDDI Global are affiliates of Total Call International.

² See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice of Proposed

the Commission for approval a Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.

The Company will comply fully with all conditions set forth in the *Lifeline Reform Order*, as well as with the Commission's Lifeline rules and policies more generally.³ Company will comply with 911 requirements as described below in its Compliance Plan. Company also will implement the foregoing objectives and the other objectives described in the *Lifeline Reform Order*. Specifically, this Compliance Plan: (1) describes the specific measures that the Company will take to implement the obligations contained in the *Lifeline Reform Order*, including the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the Fund; (2) describes the materials related to initial and ongoing certifications and the sample marketing materials; and (3) provides a detailed description of how the Company offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

II. TOTAL CALL MOBILE'S COMPLIANCE PLAN

A. TOTAL CALL MOBILE'S ACCESS TO 911 AND E911 SERVICES

Pursuant to the *Lifeline Reform Order*, forbearance is conditioned upon Company (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and

Rulemaking, FCC 12-11, ¶¶ 521, 523 (Feb. 6, 2012) ("*Lifeline Reform Order*"). TCM herein submits the information required by the Compliance Plan Public Notice. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012).

³ In addition, this Compliance Plan is consistent with the compliance plan filed by Cricket Communications, Inc. See Notice of *Ex Parte* Communication of Cricket Communications, Inc., WC Docket No. 09-197 (Sept. 23, 2011) ("Cricket Compliance Plan"). The Wireline Competition Bureau approved the Cricket Compliance Plan on February 7, 2012. See *Telecommunications Carriers Eligible for Universal Service Support, Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, DA 12-158 (Feb. 7, 2012).

availability of minutes; and (2) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.⁴ Company will comply with these conditions upon initiation of its Lifeline service.

Company will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all Company customers will have available access to emergency calling services at the time that the handset is activated, and that such 911 and E911 access will be available from Company handsets, even if the account associated with the handset has no minutes remaining.

The Company's existing practices currently provide access to 911 and E911 services for all customers. Company uses Sprint as its underlying network provider/carrier. Sprint routes 911 calls from Company's customers in the same manner as 911 calls from Sprint's own retail customers. To the extent that Sprint is certified in a given PSAP territory, this 911 capability will function the same for Company. Company (via Sprint) also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active, suspended or terminated. Finally, the Company (via Sprint) transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

Company will ensure that all handsets used in connection with the Lifeline service offering are E911-compliant. In point of fact, Company's phones have always been and will continue to be 911 and E911-compliant. Company uses phones that have been through a stringent certification process with Sprint, which, among other things, ensures that the handset

⁴ See *Lifeline Reform Order*, ¶ 373.

models used meet all 911 and E911 requirements. As a result, any customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

B. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE

1. Policy

The Company will comply with the uniform eligibility criteria established in new section 54.409 of the Commission's rules (when it becomes effective on June 1, 2012), as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC. In states where there are no state-imposed requirements, the Company will comply with the certification and verification procedures in effect in that state as reflected on the website of the Universal Service Administration Company ("USAC").⁵ For any states that do not have established rules of procedure in place, the Company will comply with the certification and verification procedures in effect in that state as reflected in the *Lifeline Reform Order* and the rules.

All subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in new section 54.409(a)(2) and 54.409(a)(3) of the Commission's rules. In addition, through the certification requirements described below, Company will confirm that the subscriber is not already receiving

⁵ See Cricket Compliance Plan at 3.

a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

2. Eligibility Determination

If Company cannot determine a prospective subscriber's eligibility for Lifeline by accessing income databases or program eligibility databases, Company's employees or agents ("Company personnel") will review documentation establishing eligibility pursuant to the Lifeline rules.⁶ All personnel who interact with actual or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on the federal and state-specific income-based and/or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies the *Lifeline Reform Order* and state-specific eligibility requirements using state-specific checklists.⁷

Proof of Eligibility. Company personnel will be trained on acceptable documentation required to establish income-based and program-based eligibility.⁸ Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state or federal program; (2) a notice letter of participation in a qualifying state or federal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid participation

⁶ See *Lifeline Reform Order*, ¶ 100; 47 C.F.R. §§ 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B); Cricket Compliance Plan at 4.

⁷ See Cricket Compliance Plan at 6.

⁸ See *Lifeline Reform Order*, ¶ 101.

card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state or federal program.⁹

Acceptable documentation of income eligibility includes the prior year's state or federal tax return, current income statement from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal notice letter of participation in General Assistance, or a divorce decree, child support award, or other official document containing income information for at least three months time.¹⁰

Company personnel will examine this documentation for each Lifeline applicant, and will record the type of documentation used to satisfy the income- or program-based criteria.¹¹ The Company will not retain a copy of this documentation.¹² Where the Company personnel conclude that proffered documentation is insufficient to establish such eligibility, the Company will deny the associated application and inform the applicant of the reason for such rejection.¹³ In the event that Company personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel.¹⁴

De-Enrollment for Ineligibility. If Company has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, Company will notify the subscriber of impending termination in writing and in compliance with any applicable state

⁹ *Id.* and 47 C.F.R. § 54.410(c)(1)(i)(B).

¹⁰ *See Lifeline Reform Order*, ¶101; 47 C.F.R. § 54.410.(b)(1)(i)(B).

¹¹ *See Lifeline Reform Order*, ¶101; 47 C.F.R. §§ 54.410(b)(1)(iii), 54.410(c)(1)(iii).

¹² *See Lifeline Reform Order*, ¶101; 47 C.F.R. §§ 54.410(b)(1)(ii), 54.410(c)(1)(ii).

¹³ *See Cricket Compliance Plan* at 6.

¹⁴ *See Cricket Compliance Plan* at 6.

dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.¹⁵ A demonstration of eligibility must comply with the annual verification procedures below and found in new rule section 54.410(f), including the submission of a certification form.

3. Subscriber Certifications for Enrollment

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.¹⁶ The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally.¹⁷

TCM will implement certification procedures that require consumers to demonstrate their eligibility for Lifeline assistance. Customers will be able to sign up for Lifeline assistance by contacting TCM via telephone, facsimile, or the internet. Company personnel will verbally explain the eligibility criteria to consumers when they are enrolling in person or over the phone.¹⁸ At the point of sale, consumers will be provided with printed information describing TCM's Lifeline program in detail, including federal and state specific eligibility requirements, and instructions for enrolling, a description of the one-per-household rule and a copy of USAC's

¹⁵ See *Lifeline Reform Order*, ¶ 143; 47 C.F.R. § 54.405(e)(1).

¹⁶ *Lifeline Reform Order*, ¶ 61; 47 C.F.R. § 54.410(a).

¹⁷ See Cricket Compliance Plan at 3.

¹⁸ See *Lifeline Reform Order*, ¶ 123.

printed material describing the one-per-household rule.¹⁹ These materials (like all Lifeline marketing materials) also will clearly identify supported plans as “Lifeline” plans, consistent with TCM’s current practice and policies. Consumers will be directed to a toll-free telephone number and to TCM’s website, which will contain a link to information regarding the Company’s Lifeline service plan, including a detailed description of the program, rates, and federal and state-specific eligibility criteria.

TCM will have direct contact with all customers applying for participation in the Lifeline program either by mail or by phone and all marketing materials will include TCM’s customer service number. Retailers and distributors will be able to assist customers in completing applications but will provide TCM’s customer service number for further questions and assistance. Retailers or customers will then directly send the applications and supporting documents to TCM. Retailers will not retain any copies of the customer application or supporting documentation, and company personnel will review and process all applications.

4. Call Center Procedures

Consumers will be directed to call a toll-free number to complete an application over the phone. The application will then be mailed to the customer for signature under penalty of perjury and for the submission of supporting documentation. The signed application and support documentation must be mailed to the address provided by the Company (or, if available to the consumer, returned by facsimile or electronic transmission). Processing of consumers’ applications, including review of all application forms and relevant documentation will be performed under TCM’s supervision by managers thoroughly trained in the requirements of the

¹⁹ See *Lifeline Reform Order*, ¶79.

Lifeline program. TCM will ensure that all required documentation is taken care of properly by using federal and state-specific compliance checklists.

TCM will emphasize the “one Lifeline phone per household” restriction during the initial interview with the potential customer when they call into the call center. The call center introduction script substantially in the form TCM would use is attached as Exhibit A.

5. In-Person Sales Efforts

TCM will promote its Lifeline services through many channels. One sales channel will be in-person sales events staffed by TCM representatives or agents. At these events, customers will be allowed to sign up, in-person, for Lifeline service. TCM representatives or agents, fully trained in Lifeline requirements, will conduct an interview, ensuring that the potential customer does not already receive a Lifeline subsidy. Documentation proving eligibility for the program will also be collected and an application will be completed by the customer. Only after completing all required eligibility verification will TCM issue phones to the customer.

At retail outlets where trained TCM representatives or agents are not present, customers will not have access to Lifeline services (or receive a Lifeline handset) at the retail location. Instead, customers will be directed via print ads and information brochures to contact TCM directly, and to submit the Lifeline service application directly to TCM. Through TCM’s certification procedures, the company would verify that the individual qualifies for a Lifeline plan (*i.e.* that there is no duplication, and that the individual qualifies by virtue of participation in an eligible state or federal low income program). Only after the customer is verified as qualifying to receive Lifeline will the phone be provided to the customer via mail or subsequent pickup.

6. Applications, Information and Disclosures

Every applicant will be required to complete an application/certification process containing disclosures, and collecting certain information and certifications as discussed below.²⁰

Disclosures. TCM's application and certification process will include the following disclosures: (1) Lifeline is a federal benefit and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the applicant's de-enrollment from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.²¹

Applicants will also be informed that (1) the service is a Lifeline service, (2) Lifeline is a government assistance program, and (3) only eligible consumers may enroll in the program.²²

In addition, Company will notify the applicant that the prepaid service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days.²³

Information Collection. TCM will also collect the following information from the applicant in the application/certification process: (1) the applicant's full name;²⁴ (2) the

²⁰ See Model Application/Certification Form (Maryland), included as Exhibit B. See Compliance Plan Public Notice at 3.

²¹ See *Lifeline Reform Order*, ¶ 121; 47 C.F.R. § 54.410(d)(1).

²² See 47 C.F.R. § 54.405(c).

²³ See *Lifeline Reform Order*, ¶ 114.

applicant's full residential address (P.O. Box is not sufficient²⁵); (3) whether the applicant's residential address is permanent or temporary; (4) billing address will not be requested as the service will be on TCM's prepaid platform (i.e. there will be no bill sent); (5) the applicant's date of birth; (6) the last four digits of the applicant's Social Security number; (7) if the applicant is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits;²⁶ and (8) if the applicant is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.²⁷

Applicant Certification. Consistent with new rule section 54.410(d)(3), TCM will require the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,²⁸ the following:

1. the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline;
2. the applicant will notify the Company immediately, and, in any event, within a maximum of 30 days, if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, if the applicant is receiving more than one Lifeline benefit, or if another member of the applicant's household is receiving a Lifeline benefit;
3. if the applicant moves to a new address, he or she will provide that new address to the Company within 30 days;
4. if the applicant provided a temporary residential address to the Company, the applicant will be required to verify his or her temporary residential address every 90 days;

²⁴ See Cricket Compliance Plan at 4.

²⁵ See *Lifeline Reform Order*, ¶ 87.

²⁶ See Cricket Compliance Plan at 4.

²⁷ See 47 C.F.R. § 54.410(d)(2). See Cricket Compliance Plan at 4.

²⁸ See *Lifeline Reform Order*. ¶¶ 168-69; 47 C.F.R. § 54.419.

5. the applicant's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the applicant's household is not already receiving a Lifeline service;²⁹

6. the information contained in the applicant's certification form is true and correct to the best of the applicant's knowledge;

7. the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and

8. the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to the applicant's continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits pursuant to the de-enrollment policy included below and in the Commission's rules.

Applicants will also be required to certify under penalty of perjury that they are head of their household and receive Lifeline-supported service only from TCM. Penalties for perjury will be clearly stated on the certification form.³⁰ This will be accomplished by a certification form substantially similar in format to the Model Application/Certification Form (Maryland), included as Exhibit B. Customers will be required to sign and date this statement.

In addition, the applicant will be required to authorize TCM to access any records required to verify the applicant's statements in the application/certification process and to confirm the applicant's eligibility for the Company Lifeline credit.³¹ The applicant must also authorize TCM to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in an Lifeline program eligibility database.³²

C. Annual Verification Procedures

²⁹ See Cricket Compliance Plan at 4.

³⁰ See Cricket Compliance Plan at 5.

³¹ See Cricket Compliance Plan at 5.

³² See 47 C.F.R. § 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. *See id.* See also Cricket Compliance Plan at 5.

TCM will annually re-certify all subscribers by querying the appropriate eligibility databases (when it becomes available) or, if no eligibility database is available, by obtaining a signed certification from each subscriber consistent with the certification requirements above and new section 54.410(d) of the rules. This certification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.³³ Company will notify each participating Lifeline customer prior to his or her service anniversary date that he or she must confirm his or her continued eligibility in accordance with the applicable requirements.³⁴ Further, the verification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled in the program.³⁵

2012 Verification. Company will re-certify (if applicable) the eligibility of each of its existing subscribers as of June 1, 2012 on a rolling basis by the end of 2012 and report the results to USAC by January 31, 2013.³⁶ Company will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, email or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

Verification De-Enrollment. Company will give subscribers 30 days to respond to the annual verification inquiry. Company will de-enroll subscribers that do not respond to the

³³ See *Lifeline Reform Order*, ¶ 120 and Cricket Compliance Plan at 8.

³⁴ See Cricket Compliance Plan at 8.

³⁵ See *Lifeline Reform Order*, ¶ 145.

³⁶ See *Lifeline Reform Order*, ¶ 130.

annual verification or fail to provide the required certification.³⁷ If the subscriber does not respond, the Company will send a separate written notice explaining that failure to respond within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days, Company will de-enroll the subscriber within five business days thereafter.

D. Activation and Non-Usage

Company will not consider a prepaid subscriber activated, and will not seek reimbursement for Lifeline for that subscriber, until the subscriber activates Company's prepaid service through usage of the service.³⁸ In addition, after service activation, Company will provide a de-enrollment notice to subscribers that have not used their service for 60 days. After 60 days of non-use, Company will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.³⁹ For these purposes, subscribers will be considered to "use" the service by: (1) completing an outbound; (2) purchasing minutes from Company to add to the subscriber's plan; (3) answering an incoming call from a party other than Company; or responding to a direct contact from Company and confirming that the subscriber wants to continue receiving the service.⁴⁰

If the subscriber does not respond to the notice, the subscriber will be de-enrolled and Company will not request further Lifeline reimbursement for the subscriber. Company will

³⁷ See *Lifeline Reform Order*, ¶ 142; 47 C.F.R. § 54.54.405(e)(4).

³⁸ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.407(c)(1).

³⁹ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3). See Cricket Compliance Plan at 2 (stating that it did not need to implement a non-usage policy because it offered only plans with unlimited local and long distance calling).

⁴⁰ See *Lifeline Reform Order*, ¶ 261; 47 C.F.R. § 54.407(c)(2).

report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁴¹

E. Additional Measures to Prevent Waste, Fraud and Abuse

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, the Company will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.⁴²

In addition to checking the national database when it becomes available, Company personnel will emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with potential customers.⁴³ Training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction.⁴⁴

Database. When the National Lifeline Accountability Database (“National Database”) becomes available, Company will comply with the requirements of new rule section 54.404. Company will query the National Database to determine whether a prospective subscriber is currently receiving a Lifeline service from another ETC and whether anyone else living at the prospective subscriber’s residential address is currently receiving Lifeline service.⁴⁵

⁴¹ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3).

⁴² See Cricket Compliance Plan at 9.

⁴³ See Cricket Compliance Plan at 6, 9.

⁴⁴ *Id.*

⁴⁵ See *Lifeline Reform Order*, ¶ 203. Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *Lifeline Reform Order*, ¶¶ 189-195; 47 C.F.R. § 54.404(b)(6). Further, Company will update each subscriber’s information in the National Database within ten business days of any

One-Per-Household. Company will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household⁴⁶ through the use of its application and certification forms discussed above, internal database checks and its marketing materials discussed below. Upon receiving an application for Company's Lifeline service, Company will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.⁴⁷ If it does discover duplicate service at an address, Company will require the applicant to complete and submit a written USAC document containing the following: (1) an explanation of the Commission's one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income, pursuant to the Commission's definition; and (4) the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).⁴⁸ Further, if a subscriber provides a temporary address on his or her application/certification form collected as described above, Company will verify with the subscriber every 90 days that the subscriber continues to rely on that address.⁴⁹

change, except for de-enrollment, which will be transmitted within one business day. *See* 47 C.F.R. § 54.404(b)(8),(10).

⁴⁶ A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. *See Lifeline Reform Order*, ¶ 74; 47 C.F.R. § 54.400(h).

⁴⁷ *See Lifeline Reform Order*, ¶ 78 and *See Cricket Compliance Plan* at 7.

⁴⁸ *Id.*

⁴⁹ *See Lifeline Reform Order*, ¶ 89.

Finally, Company personnel will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and will facilitate the applicant's understanding of what constitutes "Lifeline-supported services." The Company personnel will also assist the applicant in determining if he or she is already benefiting from Lifeline support, by identifying the leading Lifeline offerings in the relevant market by brand name.⁵⁰

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, TCM will include the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service,⁵¹ (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household, consisting of either one wireline or one wireless service; (6) what documentation is necessary for enrollment;⁵² (7) TCM's name as the ETC; and (8) consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.⁵³ These statements will be included in all print, audio video and web materials (including social networking media) used to describe or enroll customers in Company's Lifeline service offering, as well as Company's application forms and certification forms.⁵⁴ This specifically includes Company's website (totalcallmobile.com/lifeline).⁵⁵ A sample of Company's Lifeline marketing materials is included as Exhibit C.

F. Company Reimbursements From the Fund

⁵⁰ See Cricket Compliance Plan at 7.

⁵¹ See Cricket Compliance Plan at 4.

⁵² See Cricket Compliance Plan at 4.

⁵³ See *Lifeline Reform Order*, ¶ 275; 47 C.F.R. § 54.405(c).

⁵⁴ *Id.*

⁵⁵ *Id.*

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, Company will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.⁵⁶ In addition, Company will keep accurate records as directed by USAC⁵⁷ and as required by new section 54.417 of the Commission's rules.

Further, if applicable, the Company will transition the submission of its FCC Forms 497 to the eighth day of each month in order to be reimbursed the same month, and inform USAC, to the extent necessary, to transition its reimbursement process to actual claims rather than projected claims over the course of more than one month.⁵⁸ In addition, Company will keep accurate records as directed by USAC⁵⁹ and as required by new section 54.417 of the Commission's rules.

G. Annual Company Certifications

Company will submit an annual certification to USAC, signed by a Company officer under penalty of perjury, that Company: (1) has policies and procedures in place to review consumers' documentation of income- and program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁶⁰ (2) is in compliance with all federal

⁵⁶ See *Lifeline Reform Order*, ¶ 128; 47 C.F.R. § 54.407(d).

⁵⁷ See *id.*

⁵⁸ See *Lifeline Reform Order*, ¶¶ 302-306.

⁵⁹ See 47 C.F.R. § 54.407(e).

⁶⁰ See *Lifeline Reform Order*, ¶ 126; 47 C.F.R. § 54.416(a)(1).

Lifeline certification procedures;⁶¹ and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.⁶²

In addition, Company will provide the results of its annual re-certifications/verifications on an annual basis to the Commission, USAC and the applicable state commission as appropriate.⁶³ Further, as discussed above, Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁶⁴

The Company will also annually report to the Commission, USAC and relevant state commissions as appropriate, the company name, names of the company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation) as well as relevant universal service identifiers for each entity by Study Area Code.⁶⁵ Company will report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁶⁶ Finally, Company will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that Company is able to function in emergency situations.⁶⁷

⁶¹ See *Lifeline Reform Order*, ¶ 127; 47 C.F.R. § 54.416(a)(2).

⁶² See 47 C.F.R. § 54.416(a)(3).

⁶³ See *Lifeline Reform Order*, ¶¶ 132,148; 47 C.F.R. § 54.416(b).

⁶⁴ See *Lifeline Reform Order*, ¶ 257; 47 C.F.R. § 54.405(e)(3).

⁶⁵ See *Lifeline Reform Order*, ¶¶ 296, 390; 47 C.F.R. § 54.422(a).

⁶⁶ See *Lifeline Reform Order*, ¶ 390; 47 C.F.R. § 54.422(b)(5).

⁶⁷ See *Lifeline Reform Order*, ¶ 389; 47 C.F.R. § 54.422(b)(1)-(4).

H. Cooperation with State and Federal Regulators

The Company will cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;⁶⁸
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and
- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe⁶⁹ is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.⁷⁰

III. Description of Lifeline Service Offerings

Company will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying provider Sprint. The Company's Lifeline offering will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit D) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM's 30-day Unlimited Talk & Text plan or TCM's 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement at Exhibit C and in Exhibit E. Lifeline customers can

⁶⁸ The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

⁶⁹ See 47 C.F.R. § 54.405(e)(1).

⁷⁰ See Cricket Compliance Plan at 10.

also purchase additional bundles of minutes and service (i.e. if they run out of minutes or if they want to make international calls) by purchasing TCM's refill cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

In addition to free or discounted voice services, Company's Lifeline plan will include a free handset (with an option to buy an upgrade) and custom calling features at no charge, including Caller ID and Voicemail. All plans include domestic long-distance at no extra per minute charge. Calls to customer service and 911 emergency services are always free, regardless of service activation or availability of minutes.

III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation⁷¹

Financial and Technical Capabilities. Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements.⁷² The Compliance Plan Public Notice requires that a carriers' compliance plan include this demonstration. Among the factors the Commission will consider are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate; whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding. As discussed in Section II *supra*, TCM provides telecommunications services nationwide and is the wholly-owned subsidiary of a national prepaid telecommunications services provider. TCM's parent has been providing telecommunications services to customers for over 10 years. During this time, TCM and its

⁷¹ See Compliance Plan Public Notice at 3.

⁷² See *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

parent have provided prepaid wireless services to non-Lifeline customers and, consequently, TCM has not and will not be relying exclusively on Lifeline reimbursement for the Company's operating revenues. TCM receives revenues from these prepaid wireless services and also has access to the financial resources of its parent company. The Company has not been the subject of any enforcement actions by the FCC nor has it been subject to any ETC revocation proceedings.

Service Requirements Applicable to Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under newly amended section 54.202 of the Commission's rules."⁷³ Company certifies that it will comply with the service requirements applicable to the support the Company receives.⁷⁴ TCM provides all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout the states in which it is designated as an ETC.⁷⁵ TCM's services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, TCM's service offerings provide its customers with minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local exchange service free of charge to its subscribers and will abide by any Commission-required minimum usage amounts. TCM's Lifeline offering will allow customers to choose from the following options: (1) 150 minutes (including select international destinations as described in Exhibit D) per month at no charge; (2) 250 minutes (domestic only) per month at no charge; or (3) a discount off of TCM's 30-day Unlimited Talk &

⁷³ Compliance Plan Public Notice at 3.

⁷⁴ 47 C.F.R. § 54.202(a)(1).

⁷⁵ In addition to voice telephony services, TCM's services include the nine features, *i.e.*, dual tone multi-frequency signaling, single party service and access to operator services, *etc.* previously identified in Commission rule 54.101(a).

Text plan or TCM's 30-day Unlimited Talk, Text, & Data plan. Additional plan details are described on the sample advertisement attached as C and in Exhibit E. Lifeline customers can also purchase additional bundles of minutes and service (*i.e.* if they run out of minutes or if they want to make international calls) by purchasing TCM's refill cards online, via the customer service line, at a Western Union location, and at stores that carry TCM prepaid refills.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, TCM will comply with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

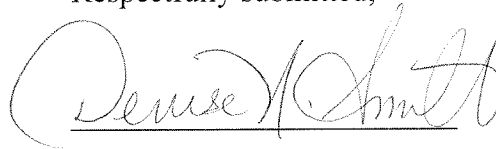
Finally, toll limitation services do not apply because TCM, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.⁷⁶

⁷⁶ See *Lifeline Reform Order*, ¶ 230.

III. Conclusion

TCM submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's *Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules. Accordingly, the Company respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Denise N. Smith", written over a horizontal line.

Steven A. Augustino
Denise N. Smith
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Counsel to Total Call Mobile, Inc.

March 16, 2012

Exhibit A

Total Call Mobile - Customer Service Script

Greeting: “Thank you for calling Total Call Mobile. This is (Representative Name). May I please have your name and the state you are calling from?”

** Representative “Are you calling about a new application or to check the status of a previous application?”**

- **Make sure state is an approved state**

If not ** Representative - “I am sorry, we are not currently providing service in your state. You can go to www.usac.org/li to find a provider in your state. Click on the Low Income Households section and then click on find a service provider in your state**

- **If status of application:** **Representative - “May I please have your address?”**

- ✓ locate application
- ✓ double check address (make sure the address is valid and correct)
- ✓ relate the status to customer
- ✓ note the contact on the account

- **If new application:** **Representative - “Great! Thank you for calling Total Call Mobile.”** and perform the following validations.

- a) “Are you the head of household?” If not then, “We can only provide service to the head of household. Please have the head of household call us and we’d be happy to sign them up.” If yes, go to (b).
- b) “Do you currently have wireless or home phone service?” If no, skip the remaining questions and process application.
- c) (if yes) “Is that a subsidized service or do you pay full price?”
- d) (if subsidized) “Is this phone under the Lifeline program? The Lifeline program is only available for one phone per household.” If yes go to (e), if they don’t know go to (f), if no, go to (g).
- e) “We cannot provide you with a second Lifeline phone. If there is a problem with that service or you want to be on our service, you must first disconnect your service with your other provider and then call back to establish service with us.”
- f) “Can I ask who your provider is?” Check against the larger Lifeline providers (Exhibit D, updated from time-to-time).
- g) (if not subsidized) “Can I ask who your provider is?” Check against the larger Lifeline providers (Exhibit C, updated from time-to-time).

If it is evident that they don’t already have Lifeline service then proceed for the application.

Exhibit B

Model Application/Certification Form (Maryland)



Channel ID: _____
(If Applicable)

LIFELINE PROGRAM FOR THE STATE OF MARYLAND

To apply for Lifeline through Total Call Mobile, please complete this form and submit it to the address at the bottom of the form. For more information or assistance, call 1-800-661-7391. **When you submit this application, you must include the supporting documentation indicated below. Supporting documentation will not be returned.**

1. CUSTOMER INFORMATION

First Name: _____ Last Name: _____
Home Address: _____ City: _____ State: _____ Zip Code: _____
Last 4 Digits of SSN: _____ Date of Birth (MM/DD/YYYY): _____
Phone Number: (____) - ____ - _____ Public Aid Case Number (if applicable): _____
E-mail: _____ Residence: ☐ Permanent ☐ Temporary

2. PROGRAM-BASED ELIGIBILITY

To qualify for Lifeline, you must complete either this Section or Section #3 below. Check all program(s) that the person in Section #1 is enrolled in. **If you are qualifying for Lifeline under this Section (i.e. by being enrolled in at least one of the following programs), you must provide current proof of program participation with this application.** If any member of your household is a National School Lunch participant, you can check the box for that program.

- | | |
|--|--|
| <input type="checkbox"/> Electric Universal Service Program | <input type="checkbox"/> National School Lunch Program (free program only) |
| <input type="checkbox"/> Federal Public Housing / Section 8 | <input type="checkbox"/> Public Assistance to Adults |
| <input type="checkbox"/> Food Supplement Program / Food Stamps | <input type="checkbox"/> Supplemental Security Income |
| <input type="checkbox"/> Low Income Home Energy Assistance Program | <input type="checkbox"/> Temporary Assistance for Needy Families |
| <input type="checkbox"/> Maryland Energy Assistance Program | <input type="checkbox"/> Temporary Cash Assistance |
| <input type="checkbox"/> Medicaid / Medical Assistance | <input type="checkbox"/> Temporary Disability Assistance Program |

3. INCOME-BASED ELIGIBILITY

To qualify for Lifeline, you must complete either this Section or Section #2 above. To qualify based upon your household income, the income of all of your household members must be less than the amount indicated in the table below. If your household size is greater than 8, the maximum annual household income to qualify for Lifeline is the income indicated for 8 household members plus \$5,157 for each additional household member.

Household Members: (check the box which applies)	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6	<input type="checkbox"/> 7	<input type="checkbox"/> 8	<input type="checkbox"/> Other
Maximum Annual Household Income:	\$14,702	\$19,859	\$25,016	\$30,173	\$35,330	\$40,487	\$45,644	\$50,801	\$ _____
Customer Annual Household Income:	\$ _____								

If you qualify for Lifeline under this Section, attach the prior year's state or federal tax return for each household member or your most recent statements of income from the following sources:

- | | |
|---|--|
| • Divorce Decree / Child Support Documents | • Unemployment / Workers' Compensation Benefits Statements |
| • Paystubs (most recent three consecutive months) | • Veterans Administration Benefits Statements |
| • Retirement / Pension Benefit Statements | • W2 Statements |
| • Social Security Benefits Statements | |

Continued on Next Page



LIFELINE PROGRAM FOR THE STATE OF MARYLAND

4. LIFELINE PLAN SELECTION

Please check the box for the monthly plan that you would like to sign up for (you may change your plan at the end of any month by calling 1-800-661-7391):

☐ PLAN 1 (150 minutes including select international calls for free)

☐ PLAN 3 Unlimited Talk & Text for \$26.49 (regularly \$39.99)

☐ PLAN 2 (250 domestic minutes for free)

☐ PLAN 3 Unlimited Talk, Text & Data for \$36.49 (regularly \$49.99)

5. MULTIPLE HOUSEHOLDS AT THE SAME ADDRESS

If you reside at an address occupied by multiple households, including adults who do not contribute income to your household and/or share in your household's expenses, please contact Total Call Mobile and you will be provided an additional form to complete.

6. ACTIVATION AND USAGE REQUIREMENTS

Total Call Mobile Lifeline Plans are a prepaid service. When you receive your phone, contact Total Call Mobile at 611 to activate. To keep your account active, you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes, answering an in-bound call from someone other than Total Call Mobile, or by responding to a direct contact from Total Call Mobile confirming that you want to continue receiving Lifeline service with Total Call Mobile. If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 911 calls and calls to customer service) subject to a 30-day cure period during which you can contact Total Call Mobile to confirm that you want to continue receiving Lifeline service from Total Call Mobile.

Continued on Next Page



LIFELINE PROGRAM FOR THE STATE OF MARYLAND

7. SIGNATURE _____ Date _____
(Required)

By initialing below, I affirm the following:

- _____ By signing above, I certify under penalty of perjury that the information contained within this enrollment form is true and correct. I further acknowledge that Lifeline is a federal benefit program and that providing false or fraudulent statements or documentation in order to receive Lifeline is punishable by law, including fines, imprisonment, de-enrollment, or being barred from the Lifeline program.
- _____ I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility as required by this enrollment form.
- _____ I understand that Lifeline is only available for one landline or one wireless phone per household (not both); and that a violation of this requirement would constitute a violation of law and would result in my de-enrollment from the Lifeline program.
- _____ My household is not already receiving Lifeline service from another company. I certify that I am the head of my household and understand that, for the purposes of the Lifeline program, a household is an individual or group of individuals who live together at the same address and share the same income and expenses.
- _____ I understand that I may be required to verify my continued eligibility for the Lifeline program at any time and that failure to do so will result in de-enrollment.
- _____ The address listed in this form is my primary residence, not a second home or a business. If I move to a new address, I will notify Total Call Mobile within 30 days. If I checked "Temporary" address in Section 1 above, I acknowledge that I must recertify my address every 90 days.
- _____ I will notify Total Call Mobile within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based criteria, I begin receiving more than one Lifeline benefit, or another member of my household starts receiving a Lifeline benefit.
- _____ I authorize Total Call Mobile to access my records in order to verify eligibility as required by federal or state agencies. I understand that my information (specifically, my full name, address, date of birth and the last four digits of my social security number) will be transmitted to administrators managing state and/or federal databases.
- _____ Lifeline is not transferable. I will only use this phone for my family's own use and will not resell it.
- _____ In addition, I acknowledge that Lifeline enrollment may be terminated by Total Call Mobile in the event that the federal or state Lifeline Programs are changed or terminated, if I no longer qualify for Lifeline, if Total Call Mobile discontinues its Lifeline participation, if I do not use the Lifeline phone for 60 days, or if I breach the terms and conditions at totalcallmobile.com/lifeline.

Please mail this application, with supporting documentation to:

Total Call Mobile, Lifeline Program
1411 W. 190th Street, Suite 700, Gardena, CA 90248

Exhibit C

Sample Lifeline Brochure

Total Call mobile

Free Mobile Phone and Free Service



Through the government-supported Lifeline program, you may qualify for a free mobile phone and free service. See inside for details. This is a state of Maryland brochure.

Lifeline Plans

For more information or to sign up, call 1-800-661-7391.

If you qualify for the Lifeline program in the state of Maryland, you can choose from the Lifeline Plans below. All of Total Call Mobile's Lifeline Plans have the following features:

- A free phone (selected by Total Call Mobile). Call customer service for upgrade options.
- Free customer service calls.
- Free voicemail and caller id.
- Free 911 and balance inquiry calls.
- For additional minutes, text messages, or international calls, load an "Anytime Plan" refill as described on the back of this brochure or call customer service.

Plan 1: 150 minutes per month (for domestic & select international calls)

- 150 minutes per month (for domestic & select international calls) at no cost to you.
- Plan minutes expire after 30 days.
- Additional minutes are \$0.10 per minute.
- Text messages are \$0.05 per text.
- For details on select international calls that have no extra charges, see the back of this brochure.

Plan 2: 250 minutes per month (for domestic calls)

- 250 minutes per month (for domestic calls) at no cost to you.
- Plan minutes expire after 30 days.
- Additional minutes are \$0.10 per minute.
- Text messages are \$0.05 per text.
- No international calls are included in this plan.

Plan 3: Discounted Plans (discount varies by state)

- You can purchase the Unlimited Talk & Text plan for \$26.49 (regularly \$39.99 for 30 days) or the Unlimited Talk, Text & Data plan for \$36.49 (regularly \$49.99 for 30 days). For plan details, see the back of this brochure. Please call customer service for additional information or to select this option.
- No international calls are included in these plans.

Lifeline Eligibility

Eligibility criteria varies by state. For the state of Maryland, you are eligible for Lifeline if you participate in one of these programs:

Electric Universal Service Program	National School Lunch Program (free program only)
Federal Public Housing / Section 8	Public Assistance to Adults
Food Supplement Program / Food Stamps	Supplemental Security Income
Low Income Home Energy Assistance Program	Temporary Assistance for Needy Families Program
Maryland Energy Assistance Program	Temporary Cash Assistance
Medicaid / Medical Assistance	Temporary Disability Assistance Program

You also qualify for Lifeline in the state of Maryland, if your income is less than 135% of the Federal Poverty Guidelines.

Number in Household	Household Annual Income
1	\$14,702
2	\$19,859
3	\$25,016
4	\$30,173

For details or to determine if you qualify, call us at 1-800-661-7391. Only one person per household may sign up for Lifeline. If your Lifeline Plan is not used for sixty (60) days, it will be terminated.

Lifeline Terms & Conditions

Comprehensive terms and conditions for the Total Call Mobile ("TCM") Lifeline Plans are available at www.totalcallmobile.com. All terms and conditions of service as described herein and on the reverse of this brochure apply to services provided under the Lifeline Plans. Customers understand and agree that by signing up for a Lifeline Plan with Total Call Mobile, they may not have a Lifeline plan with any other carrier (wireless or landline) and further agree to comply with any documentation or verification necessary to confirm that they qualify for Lifeline. In addition, Customer acknowledges that Lifeline Plan enrollment may be terminated at anytime by TCM in the event that the federal or state Lifeline Programs are changed or terminated, if Customer no longer qualifies for Lifeline, if TCM discontinues its Lifeline Plans, or if Customer breaches the terms and conditions. TCM, at its sole discretion, will determine whether or not a Customer is eligible for a Lifeline Plan. To remain qualified for a Lifeline Plan, Customer must successfully complete an annual verification. If Customer fails to complete annual verification within sixty (60) days of the required verification date, Customer will be de-enrolled from the Lifeline Plan. Customer agrees not to give away, resell, or offer to resell the TCM Lifeline phone or service. TCM Lifeline Plans are supported by the government assistance "Lifeline" program. Proof of eligibility is required, such as eligible program card or statement of benefits. If you willfully make false statements in order to obtain a TCM Lifeline Plan, you can be punished by fine or imprisonment or can be barred from the program.

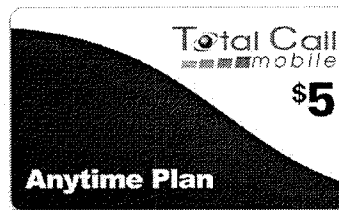
International Texting & Calling

Call worldwide with Total Call Mobile by dialing 011 and the destination. On the Anytime Plan and Lifeline Plan 1, there is no extra charge to call certain cities in the countries listed below. Call 1-800-661-7391 for international rates on other plans or to other destinations. To make international calls, you must have Anytime Plan balance. Also, standard text message rates apply to messages sent worldwide.

Argentina	Hungary	Singapore
Australia	India	South Korea
Austria	Ireland	Spain
Brazil	Israel	Sweden
Canada	Italy	Switzerland
China	Mexico	Taiwan
Cyprus	Netherlands	Thailand
Denmark	New Zealand	United Kingdom
France	Norway	US Guam
Germany	Peru	US Puerto Rico
Greece	Poland	US Saipan
Hong Kong	Portugal	US Virgin Island

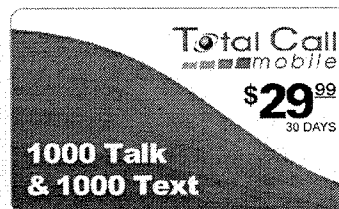
Non-Lifeline Plans

Anytime Plan



- 10¢ per minute
- 5¢ per text
- Available at \$5, \$10 or \$20
- Good for 90 Days

1000 Talk & 1000 Text



- 1000 minutes
- 1000 text messages
- Good for 30 days

Unlimited Talk & Text



- Unlimited talk & text
- Good for 30 days

Unlimited Talk, Text & Data



- Unlimited talk, text & data
- \$12.99 for 7 days
- \$24.99 for 15 days
- \$49.99 for 30 days

All plans include voicemail, caller ID, and domestic long distance. For more information, call 1-800-661-7391 or visit www.totalcallmobile.com.

Refill Options

1. Buy refills from the store where you purchased your handset.
2. Call 1-800-661-7391 to refill by credit card or debit card.
3. Visit a Western Union "prepaid service" location and enter "totalcall" in Box 1 of the prepaid services form. Enter \$10 or \$20 (Anytime), \$29.99 (1000 Talk & 1000 Text), or \$24.99 or \$49.99 (Unlimited Talk, Text & Data). For locations, call 1-800-325-6000.
4. Visit your local e-pin store (wireless store or market).



Service Terms & Conditions

Comprehensive terms and conditions are available at www.totalcallmobile.com. Total Call Mobile ("TCM") service is for personal use within the United States. "Unlimited" does not mean unreasonable use. Unreasonable use includes but is not limited to conference calling, monitoring services, abnormally large data transmissions, broadcast, telemarketing, autodialed calls, commercial uses, an abnormally high number of calls/messages or abnormally long calls, tethering to another device for data transmission, or any other usage that interferes with TCM service/network resources. Data is only available with select handsets. TCM data plans may not be used with smart phones/PDA devices unless the plan is explicitly identified for such devices. International calls are charged at the applicable rate plus air time. Advertised international rates and "Free international Locations" do not apply to calls made to foreign mobile phones or to off network/special locations and in some instances may be higher. The "Free International Locations" promotion only applies when using the Anytime Plan (i.e. 10¢ per minute) or Lifeline Plan 1 (i.e. 150 minutes). Otherwise these locations cost 2¢ per minute plus airtime. TCM reserves the right to limit picture message size at any time. Governmental taxes and fees will be charged where applicable. Plans, rates and fees are subject to change without notice. For more information, current rates, and a complete list of the "Free International Locations", please call 1-800-661-7391 or visit our website. The rates herein are valid as of January 31, 2012. TCM marks contained herein are trademarks of Total Call Mobile, Inc., and/or its affiliated companies. All copy in this brochure is copyright protected under applicable law. TCM reserves all rights with regard to TCM intellectual property.

EXHIBIT D

Free International Calling Destinations on the Lifeline 150 Minute Plan (Certain special or off-network locations may be excluded from the Free International Calling Destinations; (calls to landline phones only unless explicitly indicated otherwise)

List includes over 250 locations worldwide and 30 countries. Locations are subject to change from time to time. Please visit totalcallmobile.com for an updated list.

Featured Countries

Argentina	Greece	Norway
Argentina-Buenos Aires	Greece-Athens	Peru
Argentina-Cordoba	Hong Kong	Peru-Lima
Argentina-Mendoza	Hong Kong-Cellular	Poland
Argentina-Rosario	Hungary	Poland-Warsaw
Australia	Hungary-Budapest	Portugal
Australia-Melbourne	India	Singapore
Austria	India-Ahmedabad	Singapore-Cellular
Brazil	India-Bangalore	South Korea
Brazil-Belo Horizonte	India-Bombay	South Korea-Seoul
Brazil-Campinas	India-Calcutta	Spain
Brazil-Rio de Janeiro	India-Cellular	Sweden
Brazil-Sao Paolo	India-Hyderabad	Switzerland
Canada	India-Madras	Taiwan
China	India-New Delhi	Taiwan-Taipei
China-Beijing	India-Pune	Thailand
China-Cellular	India-Punjab	Thailand-Bangkok
China-Guangzhou	Ireland	Thailand-Cellular
China-Shanghai	Israel	United Kingdom
Cyprus	Italy	US Guam
Denmark	Mexico (city list which follows)	US Puerto Rico
France	Netherlands	US Saipan
France-Paris	Netherlands-Amsterdam	US Virgin Islands
Germany	New Zealand	

Free International Calling Destinations on the Lifeline 150 Minute Plan (continued)

Mexico City List

Guadalajara	Ciudad Constitucion	Heroica Ciudad de Ures
Ciudad de Mexico	Ciudad Cuauhtemoc	Hidalgo
Monterrey	Ciudad del Carmen	Huatabampo
Acaponeta	Ciudad Delicias	Huetamo
Acapulco	Ciudad Guzman	Huimanguillo
Actopan	Ciudad Hidalgo	Huitzuco
Agua Prieta	Ciudad Juarez	Iguala
Aguascalientes	Ciudad Lazaro Cardenas	Irapuato
Allende	Ciudad Mante	Ixtapan de la Sal
Apatzingan	Ciudad Obregon	Ixtlan del Rio
Apizaco	Ciudad Sahagun	Izucar de Matamoros
Arcelia	Ciudad Valles	Jalapa
Atzacmulco	Ciudad Victoria	Jalpa
Atliaca/Tixtla	Coatzacoalcos	Jerez de Garcia Salinas
Atlixco	Colima	Jojutla
Autlan	Cordoba	Juchitan
Bahia de Huatulco	Cosamaloapan	La Barca
Cabo San Lucas	Cozumel	La Paz
Caborca	Cuautla	La Piedad
Cadereyta Jimenez	Cuernavaca	Lago de Moreno
Campeche	Culiacan	Leon
Cananea	Durnago	Lerdo de Tejada
Cancun	Encarnacion de Diaz	Lerma
Celaya	Ensenda	Linares
Cerralvo	Estación Manuel	Los Mochis
Cheumal	Fresnillo	Los Reyes
Chihuahua	General Tapia	Magdalena
Chilapa	Guamuchil	Manuel
Chilpancingo	Guanajuato	Manuel Ojinaga
Cintalapa de Figueroa	Guasave	Manzanillo
Ciudad Acuna	Guaymas	Martinez de la Torre
Ciudad Altamirano	Guerrero Negro/Santa Rosa	Matamoros
Ciudad Camargo B	Hermosillo	Matehuala

Free International Calling Destinations on the Lifeline 150 Minute Plan (continued)

Mexico City List (continued)

Mazatlan	Rio Grande	Tenango del Aire/Tlalmanalco
Merida	Rio Verde	Tepatitlan
Mexicali	Sabinas	Tepic
Minatitlan	Sahuayo	Tequila
Monclova	Salamanca	Texcoco
Moelia	Saltillo	Teziutlan
Moroleon	Salvatierra	Ticul
Nacozari de Garcia	San Andres Tuxtla	Tijuana
Navojoa	San Cristobal de las Casas	Tizayuca
Nogales	San Fernando	Tizimin
Nuevo Casas Grandes	San Jose de Gracia	Tlapa de Comonfort/
Nuevo Laredo	San Jua del Rio	Alcozauca de Gro.
Oaxaca de Juarez	San Luis de La Paz	Tlaxcala
Ocotlan	San Luis Potosi	Toluca
Ometepec	San Luis Rio Colorado	Torreon
Orizaba	San Martin Pachivia/Teloloapa	Tula
Pachuca	San Miguel de Allende	Tulancingo
Palenque	San Quintin	Tuxpan
Parral	Santa Ana	Tuxtepec
Parras de la Fuente	Santa Rosalia de Camargo	Tuxtla Gutierrez
Patzcuaro	Santiago Ixcuintla	Uruapan
Penjamo	Santiago Papasquiaro	Valle de Bravo
Petatlan	Santiago Tianguistenco	Veracruz
Piedras Negras	Silao	Villa Flores
Playas de Rosarito	Tala	Villahermosa
Poza Rica de Hgo	Tampico	Yurecuaro
Puebla	Tapachula	Zacapu
Puerto Penasco	Taxco	Zacatecas
Puerto Vallarta	Tecate	Zamora
Puruandiro	Tecoman	Zihuatanejo
Queretaro	Tecpan de Galeana	Zinapécuaro
Quimichis/Tecuala	Tehuacan	Zitacuaro
Reynosa	Tenancingo	Zumpango

EXHIBIT E

Service Offering

TCM's Lifeline offering proposes to give eligible customers three Lifeline Plan choices:

Option 1: Lifeline 150 Minute Plan*

150 anytime minutes per month

(additional usage priced at 10 cent minutes, texts are 5 cents per text message)

Net cost to Lifeline customer: **\$0 (free)**

*This package includes:

- Free handset
- Free Voicemail and Caller-ID
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free balance inquiries
- No additional charge for international calling to the 250 locations listed on Exhibit E (i.e. only the standard per minute rate applies)
- International calls to other destinations require additional funds based on call destination

Option 2: Lifeline 250 Minute Plan*

250 anytime minutes per month

(additional usage priced at 10 cent minutes, texts are 5 cents per text message)

Net cost to Lifeline customer: **\$0 (free)**

*This package includes:

- Free handset
- Free Voicemail and Caller-ID
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free balance inquiries
- International calls require additional funds based on call destination.

Option 3: Lifeline Credit - Discount Plan*

Lifeline eligible customers may choose the 30-day Unlimited Talk & Text plan or the 30-day Unlimited Talk, Text & Data at a discount off of retail. Said discount will differ based on the customer's state (ranging from \$10 - \$20). Additional details regarding TCM's plans can be found at www.totalcallmobile.com/rateplans_monthly.aspx.

*This package includes:

- Free handset
- Free Voicemail and Caller-ID
- Free calls to Customer Service
- Free calls to 911 emergency services
- Free balance inquiries

EXHIBIT F

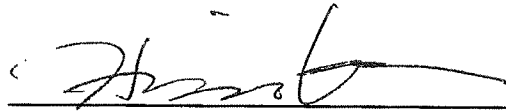
CERTIFICATION OF CHIEF OPERATING OFFICER

DECLARATION

I, Hideki Kato, COO of Total Call Mobile, Inc. ("Total Call") do hereby affirm, under penalty of perjury, that I am over the age of 18 and an officer of Total Call. I have reviewed all of the factual assertions set forth in the foregoing petition for Eligible Telecommunications Carrier status and affirm that all such statements made therein are true and correct to the best of my knowledge, information and belief.

To the best of my knowledge, no party to this Petition, nor any of their officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) as specified in Section 1.2002(b) of the Federal Communications Commission's ("Commission") rules, are subject to denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Executed on March 16, 2012

A handwritten signature in dark ink, appearing to read 'Hideki Kato', is written over a horizontal line.

Hideki Kato, COO